

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILLIP J. LYONS,

Plaintiff,

vs.

STATE OF NEVADA ex rel., et al.,

Defendants.

Case No. 2:10-cv-00707-JCM-GWF

ORDER

Plaintiff's Motion for Issuance
of Summonses on Unserved
Defendants (#85)

This matter comes before the Court on Plaintiff's Motion for Issuance of Summonses on Unserved Defendants (#85), filed on May 6, 2014.

BACKGROUND

The Attorney General filed its Notice of Acceptance of Service (#79) on March 13, 2014, therein accepting service on behalf of Defendants James Cox, Brian Williams, Jerry Howell, Eldon McDaniel, Erik Ortiz, Gary Dutton, Brian Henley, Paul Simms, Starlin Gentry, Dwayne Baze, Roger Terance, Sr., Minor Adams, Francis Dreesen, James Ferber, Adam Endel, Jeff Ritchie, Jim Gibbons, Brian Sandoval, Ross Miller, and Catherine Cortez Masto. *See Doc. #79*. The Attorney General subsequently filed under seal a Submission of Last Known Addresses (#80), listing the addresses for those Defendants for whom the Attorney General does not accept service. Plaintiff now moves this Court for an Order issuing summonses to the unserved Defendants to be served by the U.S. Marshals Service.

The Attorney General identified what she believes are accurate addresses for Defendants William Donat, Donald Helling, Howard Skolnik, Christopher Pope, Mitchell Nielsen, Jack Palmer, Aaron Vallaster, Chin Soowing, Claude Willis, Ryan Klein, Cheryl Burson, Ronald

1 Halstead, and Clarence King. The Court issued an order under seal directing the U.S. Marshals to
2 serve the forementioned Defendants. The U.S. Marshals are to file a Status Report with the Court
3 regarding the status of service upon Defendants by **Tuesday, July 8, 2014.**

4 Additionally, Plaintiff identified the remaining unserved Defendants as Defendants Baker,
5 Gonzales, Wilson, and Jones. Plaintiff provided identifying information for unserved Defendants
6 Bryan Wilson and Jim Jones. Plaintiff indicated that Defendant Bryan Wilson is a property
7 Sergeant at the Southern Desert Correctional Center. Plaintiff also believes that Defendant Jim
8 Jones is employed at the Southern Desert Correction Center or with the Nevada Department of
9 Corrections. Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Issuance of Summonses on
11 Unserved Defendants (#85) is **granted.**

12 **IT IS FURTHER ORDERED** that the Attorney General again attempt to verify the
13 employment of Defendants Bryan Wilson and Jim Jones based on the identifying information
14 provided by Plaintiff. The Attorney General shall file an updated Notice of Acceptance by **June 9,**
15 **2014.**

16 **IT IS FURTHER ORDERED** that if Plaintiff wishes to have service again attempted on
17 the unserved defendant(s), then a motion must be filed with the Court identifying the unserved
18 defendant(s) and specifying a more detailed name and/or address for said defendant(s), or whether
19 some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal Rules of
20 Civil Procedure, service must be accomplished within one hundred twenty (120) days from the
21 date that the Complaint was filed.

22 DATED this 9th day of May, 2014.

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25 GEORGE FOLEY, JR.
26 United States Magistrate Judge
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